

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 L-03 DEAE-00 CIAE-00 INR-07 IO-13  
JUSE-00 NSAE-00 SNM-02 TRSE-00 USIA-06 NSC-05 OES-06  
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R 171825Z JAN 77

FM AMEMBASSY LA PAZ

TO SECSTATE WASHDC 3800

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FOR LUERS

E.O. 11652: N/A

TAGS: CASC BL

SUBJ: AMERICAN PRISONERS IN BOLIVIA

REF: STATE 7738

1. WE CONCUR WITH THE TONE, DIRECTION, AND RECOMMENDATIONS OF REFTTEL. THE STRATEGY OUTLINED IS THE SAME AS THAT WE HAVE DEVELOPED AND HAVE BEEN FOLLOWING IN OUR DAY-TO-DAY WORK ON THIS MATTER. THE PARAGRAPHS WHICH FOLLOW ARE SUBMITTED FOR BETTER UNDERSTANDING OF THE ENVIRONMENT IN WHICH WE ARE WORKING AND TO JUSTIFY SOME MODEST REQUESTS FOR HELP.

2. WHILE GOB PROCESSES ARE OBVIOUSLY SLOW, THEY ARE SO OFTEN BECAUSE OF ARCHAIC PROCEDURES AND CORRUPTION OR INCOMPETENCE AT LOWER LEVELS RATHER THAN NEGATIVE OR WILLFUL ATTITUDES AND POLICIES OF THE LEADERSHIP. FURTHERMORE THE HEIGHTENED GOB SENSITIVITY TO THE IMPORTANCE OF THE NARCOTICS PROBLEM--TRAFFICKING, EXCESS COCA PRODUCTION, DRUG ABUSE--A NEW DEVELOPMENT FOR WHICH THE US HAS BEEN IN PART RESPONSIBLE AND CAN BE PROUD, HAS UNFORTUNATELY BROUGHT INCREASED SUSPICIONS AND OCCASIONALLY RECRIMINATIONS AMONG THE NARCOTICS POLICE, THE FISCALES, AND THE JUDGES. THE  
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RELATIVELY EASY-GOING PROCEDURES OF POLICE DEPORTATIONS OF MINOR OFFENDERS OR JUDICIAL FLEXIBILITY DECLARING THEM INNOCENT DISAPPEARED A LONG TIME AGO BECAUSE OF PUBLIC AND PRESS CRITICISM SOMETIMES REPORTEDLY INITIATED BY THE POLICE AGAINST THE JUDGES OR THE JUDGES AGAINST THE POLICE. THUS, IN EACH NARCOTICS CASE THERE NOW IS A TENDENCY BY EACH PARTY CONCERNED TO TAKE THE MOST CAUTIOUS STEP, DELAY IT IF POSSIBLE SO AS TO AVOID ANY POSSIBLE

PUBLIC ATTACK FOR BEING SOFT ON NARCOTICS OR HAVING BEEN SUBORNED. THIS HAS CONTRIBUTED FURTHER TO SLOWING WORK ON CASES, AS DID THE TERMS OF THE FORMER LAW AND THE EFFORT TO REFORM IT. WE AGREE THAT THE BOLIVIAN JUDICIARY SHOULD NOW GET ON WITH THE ADJUDICATION OF CASES UNDER THE NEW LAW WITHIN A REASONABLE TIME.

3. WE AGREE WITH THE PROPOSAL TO MAINTAIN CONTACT WITH THE JUDGES AND OTHER PARTIES TO THE CASES TO REINFORCE OUR INTEREST IN PROMPT IMPLEMENTATION OF THE NEW LAW. WE WISH TO CALL TO YOUR ATTENTION THAT THE NEW LAW HAS NOT YET BEEN PRINTED AND CIRCULATED TO THE JUDGES, FISCALES, AND ATTORNEYS. WE ARE PRESSING THE KEY OFFICIAL OF THE MINISTRY OF INTERIOR ON THIS. ALSO, WHILE IT MAY BE HARD FOR SOME TO BELIEVE, THE GOB HAS ATTEMPTED TO MAINTAIN AN INDEPENDENT JUDICIARY AND HAS SO PROCLAIMED PUBLICLY. REGRETTABLY, A LARGE NUMBER OF ATTORNEYS REPRESENTING THE US PRISONERS DO LITTLE OR NOTHING TO HELP THEIR CLIENTS.

4. WE SUGGEST A FOLLOW-UP BY ARA IN DUE COURSE OF OUR RECENT INITIATIVE WITH AMBASSADOR CRESPO ON US PRISONERS. PRIOR TO HIS CONSULTATION WITH PRESIDENT BANZER, WE REVIEWED WITH HIM THE MATTER OF US PRISONERS AND GAVE HIM A LIST OF NAMES, DATES OF ARRESTS, CHARGES, TRANSLATED TO SPANISH. HE SAID HE FELT THAT IT WAS NECESSARY TO RESOLVE SEVERAL OLDER AND MINOR CASES. AMBASSADOR CRESPO REPORTED AFTER HIS MEETING WITH THE PRESIDENT THAT HE HAD OBTAINED THE PRESIDENT'S SUPPORT. CRESPO WAS INSTRUCTED BY THE PRESIDENT TO RAISE THE MATTER WITH THE MINISTER OF INTERIOR.

5. WE WILL CONTINUE TO BE ACTIVE ON THE DIFFICULT SUBJECT OF US LIMITED OFFICIAL USE

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PRISONERS HELD FOR LONG PERIODS BEFORE COURT DECISIONS, A PROBLEM WHICH DID NOT EXIST UNTIL VERY RECENTLY. WE AND THE GOB ARE BREAKING NEW GROUND AND MOVING TO SET PRECEDENTS. THE US MISSION IN LA PAZ IS FULLY SEIZED OF THE MATTER AND IS WORKING ON IT EACH DAY IN WAYS WE CONSIDER ARE THE MOST APPROPRIATE AND OFFER THE BEST CHANCE TO BE EFFECTIVE, WHILE PRESERVING OTHER US NATIONAL INTERESTS IN BOLIVIA. THE ARRIVAL SCHEDULED FOR THIS MONTH OF A CONSULAR OFFICER TO FILL THE SECOND POSITION IN THE SECTION WHICH HAS BEEN VACANT FOR ABOUT EIGHT MONTHS WILL HELP OUR ONLY, HARD-PRESSED CONSUL. THE PROPOSED ESTABLISHMENT OF A CONSULAR AGENCY IN COCHABAMBA WHERE THREE US CITIZENS HAVE JUST BEEN JAILED ON DRUG CHARGES, AND THE PROPOSED UP-GRADING OF THE CONSULAR AGENCY IN SANTA CRUZ, WOULD ALSO HELP. THE DEPARTMENT MAY ALSO WISH TO CONSIDER REQUESTING AUTHORIZATION AND APPROPRIATIONS FROM THE CONGRESS FOR RETAINING A COMPETENT BOLIVIAN ATTORNEY TO PROVIDE US WITH CONTINUING LEGAL ANALYSIS OF THE JUDICIAL PROCEEDINGS AND THE WORK OF THE PRISONERS' ATTORNEYES. AS WE HELP THE GOB ACCELERATE ITS NARCOTICS ENFORCEMENT PROGRAM AND IF AMERICAN ADVENTURERS, USERS, COURIERS, AND TRAFFICKERS CONTINUE

TO COME, THERE WILL INEVITABLY BE MORE US CITIZENS JAILED ON  
DRUG CHARGES, WHICH STRENGTHENS THE NEED FOR THE MEASURES PRO-  
POSED TO HELP US COPE WITH THIS PROBLEM.  
STEDMAN

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